

## Scheduling Order Attachment 1

### **Judge Rufe's Required Procedure on Summary Judgment for Those Moving under Rule 56**

1. **Initial Filing of Moving Party:** A party moving under Rule 56 may move without reference to supporting affidavits or other evidence and, in doing so, the party shall:
  - (1) identify in outline form the issue(s) and/or sub-issue(s) to which the Motion is directed;
  - (2) affirm, on the basis prescribed in Rule 11, that there is no legally sufficient evidentiary basis for the non-movant to prevail upon the identified issues;
  - (3) provide a separate, concise Statement of Stipulated Material Facts, as described below; and
  - (4) request judgment.

The initial filing by the moving party generally should not exceed five double-spaced, type-written pages, excluding the Statement of Stipulated Material Facts.

No later than fourteen days before the case dispositive motion deadline, the parties shall meet and confer about the material facts. The initial filing of the moving party must include a concise Statement of Stipulated Material Facts. This Statement shall set forth (in numbered paragraphs) only material facts and only facts that the parties agree are not in dispute for the purposes of Summary Judgment.

2. **Response of Non-Moving Party:** The non-moving party shall file a Response within twenty-one days after the Motion is served. The Response shall be supported with affidavits, depositions, documents or other evidence permitted by Rule 56. Where applicable, references to such evidence must include specific citations to exhibit, page, and line number. The Response may not exceed twenty-five pages.
3. **Reply of Moving Party:** The movant shall file a Reply. The Reply must be filed not later than fourteen days after the Response from the non-moving party is served. The Reply must specify the relevant exhibit, page, and line numbers when referring to the record. The Reply may not exceed twenty-five pages.
4. **Sur-Reply of Non-Moving Party (Optional):** The non-moving party may, within seven days after the Reply is received, file a Sur-reply. The Sur-reply must specify the relevant exhibit, page, and line numbers when referring to the record. The Sur-reply may not exceed ten pages.

*The purpose of this procedure is to encourage the parties in their dispositive motion to track the natural order of trial where the plaintiff sets forth its cause and the defendant then responds.*